

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 2:09cr4

DANIELLE PICKENS

Defendant.

**ORDER/OPINION**

On October 19, 2012, Defendant Danielle Pickens' Probation Officer, Brian Kilgore, filed a Petition for Warrant or Summons for Offender Under Supervision, alleging Defendant Violated Conditions of her Supervised Release as follows:

1. Mandatory Condition: The defendant shall not unlawfully possess a controlled substance.
2. Standard Condition: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician.

Defendant was arrested and appeared via video for an Initial Appearance in this matter, at which time she was advised of her rights, including her right to remain silent, to have an attorney appointed for her, and to have a preliminary and detention hearing. Federal Public Defender Brian Kornbrath was appointed as counsel. Defendant's preliminary hearing was scheduled for Tuesday, October 30, 2012.

On October 29, 2012, Defendant filed a signed "Waiver of a Preliminary Hearing," which was also signed by Mr. Kornbrath. The Court finds that Defendant's waiver was made knowingly, intelligently, and freely. Upon consideration of all which, the Court finds there is probable cause to believe that the Defendant violated the Conditions of Supervised Release as alleged in the Petition filed October 19, 2012. It is, therefore, **ORDERED** that the Defendant be bound over for a full

hearing before Chief Judge John P. Bailey, on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision dated October 19, 2012.

The Court further ORDERS Defendant is continued in the custody of the United States Marshal pending further proceedings in this matter.

The Preliminary Hearing scheduled for Tuesday, October 30, 2012, at 9:00 a.m. is CANCELED.

It is so ORDERED.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: October 29, 2012.

*John S. Kaul*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE